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Notice of Allowability

Application No.

10/817,613

Examiner

Jimmy T. Nguyen

Applicant(s)

KIMMERLE, ANDREAS

Art Unit

3725

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed 1/18/06.
2. ☒ The allowed claim(s) is/are 20-26,28-36 and 40.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other



DERRIS H. BANKS
 SUPERVISORY PATENT EXAMINER
 TECHNOLOGY CENTER 3700

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Attorney Michael Bujold on February 02, 2006.

The application has been amended as follows:

In the amendment to the specification filed on 1/18/06, in paragraph 58, line 3:

Between the words "or" and "element", the word --- guide --- has been inserted.

In claim 20, line 8:

The word "an" has been changed to --- a guide ---.

In claim 20, last line:

The words "rotation about the horizontal axis (14)" have been changed to --- pivoting about a horizontal axis (14), which the closure device (3) supported adjacent to an end of the guide element (5, 16) to facilitate movement of the closure device (3) about the horizontal axis (14) and to facilitate linear movement of the closure device (3) toward and away from the horizontal axis (14) ----.

In claim 22, line 3:

The word "the" has been changed to --- a ---.

In claim 28, line 9:

The words "the linear" have been changed to --- a linear ---.

In claim 28, last line:

The word “rotate” has been changed to --- pivot ---.

In claim 29, line 1:

numeral “20” has been changed to --- 21 ---.

In claim 30, line 2:

After the words “and the”, the word --- guide --- has been added.

In claim 30, line 3:

In the parenthesis, after numeral “5”, the following punctuation mark and numeral --- ,16 --- have been added.

In claim 31, line 2:

The words “element is a” have been deleted.

In claim 31, line 2:

The word “which” has been deleted.

In claim 34, line 2:

Between the words “the” and “element”, the word --- guide ---- has been inserted.

Claims 37-39 have been canceled.

In claim 40, line 1:

Between the words “the” and “element”, the word --- guide ---- has been inserted.

Drawings

The proposed drawings filed January 18, 2006 has been acknowledged and approved.

The drawing objections noted in the last Office action have been withdrawn.

Allowable Subject Matter

Claims 20-26, 28-36 and 40 are allowed.

The following is an examiner's statement of reasons for allowance:

Regarding claim 20, the claim is allowable because the art of record, considered alone or in combination, neither anticipates nor renders obvious an apparatus for strapping or bundling pallets or article comprising: a guide device for supporting at least some weight of a closure device, the guide device has a guide element mounted for pivoting about a horizontal axis, which the closure device supported adjacent to an end of the guide element to facilitate movement of the closure device about the horizontal axis and to *facilitate linear movement of the closure device toward and away from the horizontal axis*, in combination with the rest of their respective claimed limitations.

Regarding claim 28, the claim is allowable because the art of record, considered alone or in combination, neither anticipates nor renders obvious an apparatus for strapping or bundling pallets or article comprising: a guide device for supporting at least some weight of a closure device, the guide device has *a guide element for bearing a supporting a linear guide, and the guide element is mounted such that the guide element can pivot about a horizontal axis*, in combination with the rest of their respective claimed limitations.

US 6,722,110 to Royneberg discloses an apparatus for strapping article having a guide device (23) on which a closure device (24) is arranged, the guide device mounted for pivoting about a horizontal axis (fig. 2 (c)) to facilitate movement of the closure device about the horizontal axis. Royneberg does not disclose the linear movement of the closure device toward and

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away from the horizontal axis and a linear guide. Therefore, Royneberg fails to anticipate or render obvious the invention as claimed in claims 20 and 28.


Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jimmy T. Nguyen whose telephone number is (571) 272-4520. The examiner can normally be reached on Mon-Thur 8:00am - 6:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Derris Banks can be reached on (571) 272- 4419. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JTNguyen
February 02, 2006



DERRIS H. BANKS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700